

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

In re:

Case No. 6:15-bk-10459-CCJ
Chapter 7

CRISHNA AVIDASH PERSAUD

Debtor.

_____ /

ARVIND MAHENDRU, as CHAPTER 7
TRUSTEE FOR CRISHNA AVIDASH
PERSAUD,

Adv. Pro. No. 6:17-ap-00064-CCJ

Plaintiff,

v.

CRISHNA AVIDASH PERSAUD, individually,
NIRVANA DEBBIE PERSAUD, individually,
PREA KAGOLANU, individually, and MORRISON
COHEN, LLP, a limited liability partnership,

Defendants.

_____ /

**PLAINTIFF'S, ARVIND MAHENDRU, AS CHAPTER 7 TRUSTEE,
RULE 26(A)(1) INITIAL DISCLOSURES**

Plaintiff, ARVIND MAHENDRU, as CHAPTER 7 TRUSTEE FOR CRISHNA AVIDASH PERSAUD ("Plaintiff" or "Trustee"), by and through his undersigned counsel, and pursuant to Federal Rule of Civil Procedure 26(a)(1), Federal Rule of Bankruptcy Procedure 7026 and Local Rule 7001-1, submits the following initial disclosures.

This adversary proceeding was initiated by the Trustee to obtain injunctive relief in the New York Litigation, declaratory relief and to recover damages for the stay violations by Defendants.

Witnesses

A. The name, and if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information.

The Trustee at this time believes the following witnesses may have discoverable information relating to the material facts supporting its claims:

1. Crishna Avidash Persaud (Debtor/Defendant)
117-06 107th Avenue
South Richmond Hill, NY 11419
2. Nirvana Debbie Persaud
117-06 107th Avenue
South Richmond Hill, NY 11419
3. Prea Kagolanu
c/o Morrison Cohen LLP
909 Third Avenue
New York, NY 10022
4. Morrison Cohen LLP,
Corporate Representative
c/o Joseph T. Moldovian, Esq.
909 Third Avenue
New York, NY 10022
5. Arvind Mahendru, Trustee
c/o Ryan Davis
329 Park Avenue North
Winter Park, FL 32789
rdavis@whww.com.
6. Kathleen S. Davies, Esquire
The Davies Law Firm LLC
126 East Jefferson Street
Orlando, FL 32801
(Email: kdavies@thedavieslawfirm.com; assistant@thedavieslawfirm.com)
7. Jason P. Gottlieb, Esq.
Morrison Cohen LLP
909 Third Avenue

New York, NY 10022
(Email: jgottlieb@morrisoncohen.com)

8. Joseph T. Moldovan, Esq.
Morrison Cohen LLP
909 Third Avenue
New York, NY 10022
(Email: jmoldovan@morrisoncohen.com)
9. Henry Graham, Esq.
Cooper & Paroff P.C.
80-02 Kew Gardens Road, Suite 300
Kew Gardens, NY 11415
(Email: hgraham@cpc-law.com)
10. Wayne Spivak
Post Office Box 3450
Winter Park, FL 32790
waynes@c13orl.com
11. A. Clifton Black, Esq.
126 East Jefferson Street
Orlando, FL 32801
(E-Mail: cblack@cliftonblack.com; nikki@cliftonblack.com)
12. All Witnesses on the Initial Disclosures of the other parties, unless otherwise objected to by Trustee.
13. Any and all witnesses to be used for rebuttal and impeachment purposes.
14. Other witnesses to be learned through discovery.

As discovery has not yet commenced, and without assuming any obligations to do so, Trustee specifically reserves the right to supplement his disclosures upon the discovery of additional witnesses that are likely to have discoverable information.

Documents

B. A copy of, or a description by category and location of, all documents, data compilations, and tangible things that are in the possession, custody, or control of the party and that the disclosing party may use to support its claims or defenses, unless solely for impeachment.

Trustee may use the following documents to support his claims (to the extent they exist and are in his possession, custody or control, or obtained through discovery):

- All exhibits attached to the *Complaint* (Doc. No. 1) and *Amended Complaint* (Doc. No. 14).
- All hearing and 341 Meeting of Creditors transcripts in *In re: Crishna Avidash Persaud*, Case No.: 6:15-bk-10459-CCJ (Bankr. M.D. Fla.) (“Main Bankruptcy Case”).
- All hearing transcripts in this Adversary Proceeding.
- All Proofs of Claims and attendant exhibits and attachments filed in the Main Bankruptcy Case.
- All documents filed in the Main Bankruptcy Case and in this Adversary Proceeding.
- All documents and pleadings filed in the Supreme Court of the State of New York, County of Queens, Index. No. 711630/2015 (“New York Litigation”).
- The Purchase and Sale Contract for Residential Property (“Purchase and Sale Contract”) between the Debtor, as buyer, and Bishen Harricharran (“Mr. Harricharran”), as seller, entered into on or about April 26, 2014, and any purported related agreements or assignments.
- All correspondence between the Chapter 13 Trustee’s office and the Parties.
- Correspondence between the Chapter 7 Trustee’s office and his attorneys and the Parties.
- All correspondence between the Chapter 7 Trustee and Henry Graham and Bishen Harricharran prior to the filing of the Adversary Proceeding.
- All documents listed on the other parties’ Initial Disclosures, unless otherwise objected to by Trustee.
- Any and all documents to be obtained through discovery.
- Any and all documents produced by or to any of the other parties.
- Any and all documents to be used for rebuttal and impeachment purposes.

As discovery has not yet commenced, and without assuming any obligations to do so,

Trustee specifically reserves the right to supplement his disclosures upon the discovery of additional witnesses that are likely to have discoverable information.

Damages

C. A computation of each category of damages claimed by the disclosing party, who must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered.

The Trustee seeks actual, compensatory and punitive damages and sanctions, including the attorneys' fees and costs incurred in connection with the preparation and prosecution of this Adversary Proceeding. Such claims will be supported by attorney time-keeping records and affidavits, and the amount is not yet known.

As discovery has not yet commenced, and without assuming any obligations to do so, Trustee specifically reserves the right to supplement his disclosures upon the discovery of additional witnesses that are likely to have discoverable information.

Insurance

D. For inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

Unknown. Defendant has refused to produce insurance policies to date.

As discovery has not yet commenced, and without assuming any obligations to do so, Trustee specifically reserves the right to supplement his disclosures upon the discovery of additional witnesses that are likely to have discoverable information.

Dated: August 15, 2017.

Respectfully submitted,

/s/ Ryan E. Davis

Ryan E. Davis, Esquire
Florida Bar No. 0179851

rdavis@whww.com

WINDERWEEDLE, HAINES, WARD
& WOODMAN, P.A.
Post Office Box 880
Winter Park, FL 32790-0880
(407) 423-4246

(407) 645-3728 (facsimile)
*Attorneys for Arvind Mahendru, as Chapter
7 Trustee for Crishna Avidash Persaud.*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 15, 2017, a true and correct copy of the foregoing has been furnished via:

CM/ECF / Electronic Mail to:

Arvind Mahendru, Trustee, 5703 Red Bug Lake Road, Suite 284, Winter Springs, FL 32708
(Email: amtrustee@gmail.com)

Kathleen S. Davies, Esquire, The Davies Law Firm LLC, 126 East Jefferson Street, Orlando, FL 32801 (Email: kdavies@thedavieslawfirm.com; assistant@thedavieslawfirm.com)

Henry Graham, Esq., Cooper & Paroff P.C., 80-02 Kew Gardens Road, Suite 300, Kew Gardens, NY 11415 (Email: hgraham@cpc-law.com)

A. Clifton Black, Esq., 126 East Jefferson Street, Orlando, FL 32801
(E-Mail: cblack@cliftonblack.com; nikki@cliftonblack.com)

Michael D. Seese, Esq., SEESE, P.A., 101 N.E. 3rd Avenue, Suite 410, Ft. Lauderdale, Florida 33131 (Email: mseese@seeselaw.com)

/s/ Ryan E. Davis

Ryan E. Davis, Esquire